MAY 29 1967
SUPREME COURT, U. S.

Supreme Court of the United States

October Term, 1966

No. 1386

ADAM CLAYTON POWELL, JR., et al.,
Plaintiffs-Petitioners,
against
JOHN W. McCORMACK, et al.,
Defendants-Respondents.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

MOTION OF PERCY E. SUTTON FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

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Attorney for Amicus Curiae

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Motion of Percy E. Sutton for Leave to File Brief *Amicus Curiae*

PERCY E. SUTTON, duly elected President of the Borough of Manhattan respectfully moves for leave to file a brief as *amicus curiae* in support of the petitioners herein. Petitioners have orally consented to the filing of an amicus curiae brief by me but, in view of the emergency nature of this proceeding, no application therefor has been made to respondents.

My interest is prompted by the fact that I reside in and represent all of the constituents of the 18th Congressional District, and am intimately associated with the Harlem community. More importantly, the interest of *amicus* in this case arises from its vital bearing on a cardinal principle of representative democracy: that a duly elected representative who possess all of the constitutional qualifications cannot be denied his seat on other and unrelated grounds. Further, this principle has interest for many of the duly elected Negro official.

Motion of Percy E. Sutton for Leave to File Brief Amicus Curiae

The immediate resolution of this great issue is indispensable to the proper functioning of the government of the United States. Furthermore, every day that the people of Harlem are denied a voice in the national legislature they are irreparably cut off from the normal channels available to them, as to all other American citizens, to gain the redress of their legitimate grievances and to participate in the legislative processes through which important and significant decisions affecting their social, economic and political life are determined.

Respectfully submitted,

PERCY E. SUTTON

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CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF OF PERCY E. SUTTON, PRESIDENT OF THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK

Percy E. Sutton, a duly elected public official, to wit, President of the Borough of Manhattan, representing approximately 1,600,000 constituents, which said Borough includes approximately four Congressional Districts, including the 18th Congressional District, the member of Congress elect of said 18th Congressional District, being the plaintiff-petitioner herein.

He has been informed that the petitioners have requested of this Court, pursuant to Rule 20 of this Court's Revised Rules, to grant a Writ of Certiorari to review the dismissal of their complaint by the United States District Court for the District of Columbia, an appeal from which is presently pending in the United States Court of Appeals for the District of Columbia, before judgment is rendered in the latter court. According to Rule 20, such a writ of

certiorari will be granted only "upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in this Court."

Amicus is firmly convinced, that this is such a case. My reasons being as follows:

A. That he lives within the 18th Congressional District.

B. Therefore, I am numbered among the 300,000 citizens of the 18th Congressional District, who at present, are precluded from a representative voice in Congress as a result of the House of Representatives having excluded the duly elected Representative from the 18th Congressional District.

C. It is imperative that a decision be handed down by this Court forthwith, otherwise, irreparable injury will be occasioned to those citizens of the Borough of Manhattan, who reside in the 18th Congressional District.

Basic to our system of representative government for the right of the people to choose their representative in the national legislature, the validity of the interruption of this Constitutional relationship between community and duly elected Congressmen, should be resolved to the earliest possible judicial moment and at the highest judicial level. Since the history of our Country postures the proposition that the decisions and opinions of the Supreme Court is the law of the land, it is imperative that this Court grant this Writ of Certiorari and thereby assume jurisdiction over this matter.

It would seem to us that this case fairly cries out for this type of treatment. To live unresolved for any appreciable length of time the right of the citizens of the 18th

Congressional District, or of any other District to be represented by the nominee of their choice in the Congress of the United States, is to threaten the very fabric of our Constitutional Democracy. *Amicus* maintains that no case in the past has demonstrated a more compelling need for the application of Rule 20 than the instant.

Respectfully submitted,

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